

1 JOINTLY SUBMITTED
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 JEFFREY B. GUINN, individually and as)
11 Trustee of THE DEL MAR TRUST, et al.,)

12 Plaintiffs,)

13 vs.)

14 FEDERAL DEPOSIT INSURANCE)
15 CORPORATION, AS RECEIVER FOR)
16 COMMUNITY BANK OF NEVADA;)
DOE INDIVIDUALS I-XX; ROE)
CORPORATIONS I-XX,)

17 Defendant/Counterclaimant.)

18 FEDERAL DEPOSIT INSURANCE)
19 CORPORATION, AS RECEIVER FOR)
COMMUNITY BANK OF NEVADA.,)

20 Plaintiff,)

21 vs.)

22 CORONADO NEVADA, LLC; DOE)
23 INDIVIDUALS I-XX; ROE)
24 CORPORATIONS I-XX,)

25 Defendants.)
26

Case No: 2:09-cv-01809-PMP-GWF

**STIPULATION AND PROPOSED
ORDER TO STAY PROCEEDINGS**

(THIRD REQUEST)

27 Pursuant to LR 6-2 and LR 7-1, the parties stipulate to extend the 180
28 day stay entered by this Court on May 4, 2010 (#16) for an additional 30 days on
the following basis:

1 1. 12 U.S.C. § 1821(d) establishes an administrative process for
2 claims against the FDIC in its capacity as Receiver of a failed financial institution.

3 2. Plaintiffs in this action have submitted their administrative
4 claims as required by statute.

5 3. 12 U.S.C. § 1821(d)(5)(A)(i) gives the FDIC 180 days to render
6 a decision on plaintiffs' claims, and, under 12 U.S.C. § 1821(d)(13)(D), the Court
7 may, and the parties submit, should, stay the case during the pendency of that
8 administrative claims process. *See, e.g. Marquis v. FDIC*, 965 F.2d 1148, 1155 (1st
9 Cir. 1992) ("The court may. . . in its discretion – and ordinarily should – stay
10 proceedings . . . so as to permit exhaustion of the mandatory administrative
11 claims review process.").

12 4. The parties twice stipulated to stay this case for 180 days or
13 until the FDIC as Receiver rendered a decision on plaintiffs' claims, whichever
14 came first (##13, 15).

15 5. On the parties' stipulation, the Court stayed this case for up to
16 180 days, commencing on December 24, 2009, to allow the claims process to
17 proceed (#14). The Court later extended that stay, again on the parties
18 stipulation, for an additional 180 days, until November 11, 2010 (#16).

19 6. During the course of this stay, the parties have been involved
20 in settlement negotiations under the guidance of the Honorable Stewart Bell
21 (Ret.). As part of this effort, the parties have met multiple times and plaintiffs
22 have produced reams of information requested by the FDIC to support the
23 settlement negotiations. The parties have made substantial progress.

24 7. An additional 30 day stay is necessary to allow the parties to
25 continue, and hopefully, complete their negotiations. Given this, plaintiffs have
26 now agreed to extend the claims process for an additional 30 days as permitted
27 by 12 U.S.C. § 1821(d)(5)(A)(ii).

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8. Based on this, the parties stipulate to stay extend the current stay until December 13, 2010. This third extension is warranted, as outlined above, to permit the parties additional time to resolve some or all of the claims in this case.

BAILEY KENNEDY

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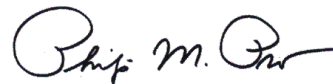
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for Community Bank of Nevada

ORDER

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

DATED: November 9, 2010.